

1 LAURENCE W. PARADIS (California Bar No. 122336)
 lparadis@dralegal.org
 2 MAZEN M. BASRAWI (California Bar No. 235475)
 mbasrawi@dralegal.org
 3 DISABILITY RIGHTS ADVOCATES
 2001 Center Street, Third Floor
 4 Berkeley, California 94704
 Telephone: (510) 665-8644
 5 Facsimile: (510) 665-8511
 TTY: (510) 665-8716

6 TODD M. SCHNEIDER (California Bar No. 158253)
 tschneider@schneiderwallace.com
 7 JOSHUA KONECKY (California Bar No. 182897)
 jkonecky@schneiderwallace.com
 8 SCHNEIDER & WALLACE
 180 Montgomery Street, Suite 2000
 San Francisco, CA 94104
 10 Telephone: (415) 421-7100
 Fax: (415) 421-7105
 11 TTY: (415) 421-1655

12 DANIEL F. GOLDSTEIN (*pro hac vice*)
 dfg@browngold.com
 13 BROWN, GOLDSTEIN & LEVY, LLP
 120 E. Baltimore St., Suite 1700
 14 Baltimore, MD 21202
 Telephone: (410) 962-1030
 15 Fax: (410) 385-0869

16 **UNITED STATES DISTRICT COURT**
 17 **NORTHERN DISTRICT OF CALIFORNIA**
 18 **SAN FRANCISCO DIVISION**

19 NATIONAL FEDERATION OF THE
 20 BLIND, the NATIONAL FEDERATION OF
 21 THE BLIND OF CALIFORNIA, on behalf of
 22 their members, and Bruce F. Sexton, on behalf
 of himself and all others similarly situated,

23 Plaintiffs,

24 v.

25 TARGET CORPORATION,

26 Defendant.

Case No.: C 06-01802 MHP

CLASS ACTION

**DECLARATION OF KEN VOLONTE IN
 SUPPORT OF PLAINTIFFS' MOTION
 FOR PRELIMINARY INJUNCTION**

Hearing Date: June 12, 2006

Time: 2:00 p.m.

Judge: The Honorable Marilyn Hall
 Patel

DISABILITY RIGHTS ADVOCATES
 2001 CENTER STREET, THIRD FLOOR
 BERKELEY, CALIFORNIA 94704-1204
 510.665.8644

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1 I, Ken Volonte, declare as follows:

2 1. The facts in this declaration are based upon my personal knowledge. If called to testify,
3 I could testify competently to the facts described in this declaration.

4 **Background**

- 5 2. I am 55 years old.
6 3. I have been legally blind since birth due to a congenital disease.
7 4. I reside in Stockton, California.
8 5. I have been a member of the National Federation of the Blind for 35 years.
9 6. I have been a member of the National Federation of the Blind of California for 35 years.

10 **Internet Use**

- 11 7. I have used the screen reading software "JAWS" to access computers and, especially, the
12 internet for eight months. Before that, I used a DOS computer that could not access the internet.
13 8. I decided to switch to a Windows-based computer in order to take advantage of all the
14 internet has to offer, including newsgroups, shopping, and email.
15 9. I use the internet every day for a variety of functions and activities in my daily life.
16 10. I prefer to shop online rather than going to a physical store mostly because I like to avoid
17 crowds, especially around the holiday season.
18 11. Using my screen reader to access the internet has significantly improved my own view of
19 my independence to conduct personal business without the help of others.

20 **Experience with Target Retail Stores**

- 21 12. I have shopped at a Target store that is near my home.

22 **Harms Experienced Because of the Inaccessibility of Target.com**

- 23 13. I have attempted on numerous occasions to access Target.com with my screen reader.
24 14. I have found it extremely difficult, and at times impossible, to browse for products on
25 Target.com using my screen reader.
26 15. Upon accessing Target.com on several occasions, I have become frustrated with
27 inexplicable code and garbled text that has prevented me from continuing to navigate through the
28 site.

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Berkeley, CA 94704-1204
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1 16. If Target.com were accessible to my screen reader, I would use it to shop frequently. I
2 like Target’s selection of products and their prices.

3 17. I have been told that there are many useful store-related features on the Target.com
4 website, including weekly advertisements and an online pharmacy, which I would like to use if
5 the website were accessible.

6 18. I have found the entire process of attempting to access Target.com to be extremely
7 frustrating and aggravating.

8 19. Because the problems I have encountered on Target.com when using my screen reader
9 have prevented me from making purchases, I have decided to purchase items on different
10 websites instead of going to the Target retail store near me.

11 20. Target.com’s inaccessibility makes me feel as though Target does not care about me as a
12 customer or my patronage of their stores and website because I am blind.

13 21. My inability to use Target.com thwarts my independence and forces me to rely on others
14 unnecessarily.

15
16 I declare under penalty of perjury under the laws of the State of California that the
17 forgoing is true and correct.

18 Executed this April day of ____, 2006, at Stockton, California.

19
20
21 _____
22 KEN VOLONTE
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18 Executed this April day of 18, 2006, at Stockton, California.

19
20
21 

22 _____
KEN VOLONTE